

EXHIBIT R

TALITHIA NEWSOME
UNITED STATES vs STATE OF GEORGIA

July 12, 2022

1

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF GEORGIA
3 ATLANTA DIVISION

4 UNITED STATES OF AMERICA,

5 Plaintiff,
6 vs.

CIVIL ACTION NO.
1:16-CV-03088-ELR

7 STATE OF GEORGIA,
8 Defendant.

9 Videotaped deposition of TALITHIA NEWSOME, taken on
10 behalf of the Plaintiff, pursuant to Notice and
11 agreement of counsel, in accordance with the Federal
12 Rules of Civil Procedure, before Maureen S. Kreimer,
13 CCR, CRR, Notary Public, at 864 Broad Street, Augusta,
14 Georgia on July 12, 2022 between the hours of 9:15
15 a.m. and 6:47 p.m.

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1 A. If there was a question with the
2 superintendents, I would report questions out -- I
3 mean, address concerns with them, as well as the --
4 not that they're my supervisor, but if there are
5 questions or concerns, typically my first point of
6 contact would be the special ed directors in those
7 school systems.

8 Q. What about for the RESA, is there anyone who
9 you directly report to?

10 A. Any correspondences that I have, I report
11 back to Dr. Alexander.

12 Q. And what is Dr. Alexander's position again?

13 A. I'm going to say she's director of RESA.
14 But don't quote me on that one.

15 Q. Okay. Anyone else?

16 A. No.

17 Q. And would you also say Dr. Alexander is your
18 main point of contact for the RESA?

19 A. She is, yes. Oh, I'm sorry. I would add
20 another person. I report to, again, not my
21 supervisor, but I do report information back to GLRS
22 as well, and Lisa Hill would be my contact for GLRS.

23 Q. Okay. And what is Lisa Hill's position?

24 A. She is director for the GLRS program.

25 Q. And then what about for the Georgia

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1 Department of Education, is there anyone you report
2 to?

3 A. It would be Vickie Cleveland and LaKesha
4 Stevenson.

5 Q. And what are their positions?

6 A. LaKesha -- I mean, Vickie Cleveland is I
7 think a program specialist for the program, and I'm
8 not sure of Ms. Stevenson's title.

9 Q. Is there anyone else from the State
10 Department in the list?

11 A. I guess you would say the director, which
12 would be Wanda Lowe. If she needed something, we'd
13 report to her. And then the director for Federal
14 programs. And if you ask me her name, it just went
15 away.

16 Q. Okay. Is that Shaun Owen?

17 A. I was going to say I remember Shaun. But
18 yes, that's correct, Shaun Owen.

19 Q. Okay. And just curious if you're familiar
20 with any of these other individuals who work with the
21 State Department of Ed. Did you ever work with
22 Zelphine Smith-Dixon?

23 A. I did.

24 Q. Okay.

25 A. But I worked with her as special ed

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1 director.

2 Q. Oh, in your capacity as special ed.

3 A. Mm-hmm (affirmative).

4 Q. And did you ever work with Nakiba Rahmig?

5 A. Not directly, no.

6 Q. So then I guess returning back to Vickie
7 Cleveland and LaKesha Stevenson --

8 A. Mm-hmm (affirmative).

9 Q. -- what do your -- what's the nature of your
10 communications with them?

11 A. They are our point of contact if we had any
12 questions or concerns at the State level. They
13 coordinate meetings to talk about initiatives or
14 programs, budgeting, changes, policies, procedures and
15 provide updates regarding the GNETS program
16 specifically. They also keep us up-to-date about any
17 changes that's going on in special ed at the State
18 level.

19 Q. Do you have any regularly scheduled meetings
20 with them?

21 A. The answer is yes, but some of them have
22 gotten cancelled. Typically, we'll get a calendar at
23 the beginning of the year that we'll go ahead and
24 schedule the monthly meetings. And my understanding
25 is prior to that they did have regular monthly

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1 Q. Okay. All right. Moving to if you go over
2 a few columns to School System.

3 A. Mm-hmm (affirmative).

4 Q. Is it correct that the majority of the
5 students at the Thomson site come from McDuffie
6 County?

7 A. That is correct. It's a larger school
8 system.

9 Q. Okay. And then would you say that the rest
10 of the students come from a mix of the other counties
11 served by Thomson?

12 A. Yes.

13 Q. Can counties reserve spaces from year to
14 year for possible referrals from their respective
15 schools in the future?

16 A. Absolutely not.

17 Q. Have they ever tried to?

18 A. No.

19 Q. Okay.

20 A. Not during the years I have been there.

21 Q. Okay. All right. And so the column right
22 before that one that says Case Manager. What is the
23 role of case manager?

24 A. That would be the special education teacher
25 and/or the service provider, but primarily making sure

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1 make sure that the person meets the employment
2 requirements.

3 Q. Okay. Would anyone from the RESA have the
4 ability to weigh in on whether someone gets hired?

5 A. Not with -- so the RESA is not directly
6 involved in Richmond County. If I had to do a direct
7 hire through the school systems outside of Richmond
8 County, then they would. And I have had that happen.

9 Q. Okay. What would be the circumstances where
10 that would happen?

11 A. If there was a child who was in need of
12 somebody that was child-specific, then the school
13 system for that student would be responsible for
14 funding that position. And then they would make the
15 recommendation -- they would make the final
16 recommendation on whether or not that person would be
17 hired. And in some cases they might hire them and
18 then send them to us to have them work on our program.

19 Q. And then what about the State Department of
20 Education, do they ever have the ability to approve or
21 weigh in on anyone who is hired?

22 A. I don't know if they have the ability, but
23 they have not up to this point.

24 Q. Okay. And does the State Department of
25 Education participate in any way in hiring for your

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1 GNETS staff?

2 A. They give us information about not only just
3 the State Department, but the Georgia Professional
4 Standards -- so the answer is no.

5 Q. Okay. Well, you're about to say the Georgia
6 Professional Standards?

7 A. They give us the guidelines for who can be
8 hired, and anybody that we hire definitely has to meet
9 those guidelines before they can be considered for
10 employment.

11 Q. Does the State Department of Education ever
12 recommend individuals for hire -- to hire?

13 A. No, they have not.

14 Q. And you mentioned that the Georgia
15 Professional Standards Commission sets the
16 qualifications.

17 A. Mm-hmm (affirmative).

18 Q. For teachers who are employed in GNETS, what
19 are the requirements in order for them to be able to
20 work for your GNETS program?

21 A. They would definitely have to meet the
22 minimum requirements that are available, at least the
23 minimum requirements that are available, for
24 employment.

25 Of course, we have other things that we look

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1 at as well outside of those requirements like their
2 background, their experiences related to mental
3 health, do they have experience with that, do they
4 have experience working with students at risk.

5 And it may not always be in an educational
6 setting. It might be in a current position or a
7 previous position that they have. But they definitely
8 have to meet those minimum qualifications. They have
9 to have a bachelor's. They have to pass the
10 fingerprint and criminal check.

11 Of course, we always want to get, you know,
12 staff who are highly qualified. But we also have the
13 opportunity to hire people who come from an
14 alternative track who agree to work in an area and
15 possibly go back to school to get a degree in that
16 particular area of, like, special education.

17 Q. Okay.

18 A. And that's for all, any program, whether
19 it's a student with disa- -- with special education,
20 general education, Spanish. That's something that's
21 offered for any teacher who wants to come to the field
22 of education.

23 Q. Okay. And when hiring for other, like,
24 nonteaching positions, would you also consult the
25 Georgia Professional Standards Commission's guidelines

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1 for the requirements for other positions as well?

2 A. Absolutely. We follow those guidelines, and
3 we make sure that we work through human resources to
4 make sure that the people who are being considered for
5 employment like paraprofessionals, social workers,
6 counselors, that they meet their requirements through
7 the Professional Standards Commission.

8 Q. Okay.

9 THE VIDEOGRAPHER: Seven minutes.

10 MS. FLETCHER BOWDEN: Is it about time for a
11 break? You've got one more short topic?

12 MS. HAMILTON: We'll see.

13 All right. I'm going to hand the court
14 reporter what I'd like to have marked as
15 Plaintiff's Exhibit 197.

16 (Plaintiff's Exhibit P-197 marked.)

17 BY MS. HAMILTON:

18 Q. All right. I'm handing you Plaintiff's
19 Exhibit 197. And this is a Staff Spreadsheet produced
20 by your program response to our August 2021 subpoena.

21 A. Mm-hmm (affirmative).

22 Q. The first page of this document is stamped
23 using the unique identifier from the Sand Hills
24 program 000315.

25 A. Mm-hmm (affirmative).

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1 Q. Okay. Go ahead.

2 A. Richmond County serves as the flowthrough.

3 Q. Okay.

4 A. So they -- but the social worker is funded
5 through a special grant provided by the State of --
6 our GNETS program through the State.

7 Q. Mm-hmm (affirmative). Okay. And then what
8 about your position in terms of who funds that
9 position?

10 A. It's funded through the State grant for
11 GNETS.

12 Q. Okay. And are any of the other individuals
13 besides you and the social worker funded by the State
14 grant for GNETS?

15 A. The counselor and the coordinator.

16 Q. And I know we haven't covered the
17 coordinators yet on the spreadsheet, but each one of
18 them is assigned to a different site; correct?

19 A. That's correct.

20 Q. Okay. Okay. So then that leaves the
21 support provider and the GNETS liaison. Are those
22 both funded by the school district directly?

23 A. The GNETS liaison is funded through the
24 Richmond County Special Ed department through their
25 IDA fund. And who was the last one that you

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1 column that says Funding Source and have you walk me
2 through what each of these different codes mean.

3 So for this first set of staff, it appears
4 to be teachers or paraprofessionals. There is a code
5 that says 8110-11000.

6 A. Mm-hmm (affirmative).

7 Q. What does that mean?

8 A. Well, that's the code that they give.
9 These, these particular people are being paid from the
10 Richmond County general fund.

11 Q. Okay. All right. So then it looks like the
12 next set of teachers are being funded through
13 SED10-11000. And this is one, two, three, four, five,
14 six, seven, eight, nine teachers. Who's the source of
15 this founding?

16 A. That's GNETS State grant.

17 Q. Okay. And the next set of teachers, sorry,
18 the next set of staff appears to be for
19 paraprofessionals and they are funded through
20 SED10-14000. What's the source of that funding?

21 A. You say they are paraprofessionals?

22 Q. Yes.

23 A. Okay. Are you looking at the --

24 Q. For 2021 through the 2022 school year.

25 A. Okay.

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1 MR. FLETCHER: Are you on page 319?

2 MS. HAMILTON: I'm -- yes.

3 MR. FLETCHER: Okay.

4 MS. HAMILTON: So 319.

5 MR. FLETCHER: Okay.

6 MS. HAMILTON: I can start over at the top.

7 I'm sorry. We were just reading --

8 MR. FLETCHER: She's on a different page,

9 so.

10 MS. HAMILTON: Okay.

11 BY MS. HAMILTON:

12 Q. And sounds like there may not have been a
13 lot of staff turnover over those years, but.

14 A. That's a State grant, too. That's a State
15 grant.

16 Q. Okay. And just to recap, so the first three
17 teachers and paraprofessionals these are funded
18 through Richmond County?

19 A. Yes. Those are general funds from Richmond
20 County.

21 Q. Okay.

22 A. And the next set is a State grant for GNETS.

23 Q. Of teachers?

24 A. Correct.

25 Q. Okay. And then the set of four

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1 paraprofessionals, this is also another State grant?

2 A. That's correct.

3 Q. Okay.

4 A. Well, it's the same State grant. It's just
5 got different object codes, object numbers.

6 Q. Okay.

7 A. Mm-hmm (affirmative).

8 Q. And then the counselor listed here has a
9 code SED21-17300. Is this position also funded by the
10 State?

11 A. It is. It's a GNETS State grant.

12 Q. And I think we may have talked about this
13 earlier, but your position also has a similar code,
14 SED-21-19000, and that's paid for through the State
15 grant?

16 A. That's correct.

17 Q. And then the two coordinator positions,
18 that's also a State grant?

19 A. A GNETS State grant, yes.

20 Q. And I guess to clarify, for all those other
21 State grants, were those the GNETS State grant?

22 A. That's correct.

23 Q. And then underneath that says: Program
24 evaluator and bookkeeper. Are those two also paid
25 through the GNETS State grant?

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1 Q. Would you say that the eligibility criteria
2 that you-all are using for Sand Hills in your
3 Consideration of Services packet is consistent with
4 the GNETS rule?

5 A. Yes.

6 MS. HAMILTON: So I'd like to turn to
7 another document. GNETS related. I'm going to
8 hand the court reporter what I'd like to be
9 marked as 199.

10 (Plaintiff's Exhibit P-199 marked.)

11 BY MS. HAMILTON:

12 Q. This is Plaintiff's Exhibit 199 and this is
13 a documented titled "Guiding Questions for
14 Consideration of GNETS Services" that was produced by
15 your program in response to our subpoena.

16 A. Mm-hmm (affirmative).

17 Q. And the first page of this document is
18 stamped with the Sand Hills identifier 000361.

19 A. Mm-hmm (affirmative).

20 Q. Are you familiar with this document?

21 A. Yes.

22 Q. Okay. What is this document?

23 A. This is a guide, questions that we consider
24 when we're looking at placing or recommending students
25 for services through the program.

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1 A. Not from the State Department, no.

2 Q. Have you received training from anyone on
3 it?

4 A. When I first came on board, the coordinators
5 kind of walked me through the whole form, the process,
6 and how we use that.

7 Q. And is it your understanding that the
8 requirements here are consistent with the requirements
9 in the GNETS rule for the consideration of services?

10 A. Yes. And I'm going to back up. And the
11 GNETS director who was here before kind of walked me
12 through this as well.

13 Q. Okay. Are you required to follow all of
14 these steps before admitting the student into the
15 GNETS program?

16 A. There is no requirement to use this, to use
17 the form. It's just a good guide.

18 Q. Okay. Hence why it's called "Guiding
19 Questions"?

20 A. Correct.

21 Q. All right. So I want to walk through a few
22 of these. So question one says: "Is the student
23 currently served in Special Education?"

24 Does a student have to be served in special
25 education to be considered for GNETS?

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1 A. Yes.

2 Q. And is that a requirement that you-all set
3 for Sand Hills, or is that a requirement from the
4 State?

5 A. It's a requirement from the State.

6 Q. Okay. Question two: "Does this student
7 have a Behavior Intervention Plan completed within the
8 past year that is based upon an appropriate Functional
9 Behavior Assessment?"

10 What is a Behavior Intervention Plan?

11 A. Based on the data that's collected through
12 the Functional Behavior Assessment which identifies
13 the interfering behavior for the student, the staff
14 will develop a behavior intervention plan specific to
15 that student's need to kind of address the behavioral
16 problems that are going on with the student; collect
17 data on that behavior intervention plan, and determine
18 whether or not the plan that's in place is working.

19 If it's working, they'll continue the plan.
20 If it's not working, they'll come back and make
21 adjustments to the plan. And they may do that two,
22 three times to four times.

23 And if it looks like even with all the
24 adjustments and things that are put in place if that
25 child is still failing to make progress, that may be a

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1 red flag that we probably -- or indicator that you
2 need to go another step, which could include making
3 the referral for considerations of GNETS.

4 Q. Okay. And I wrote -- so this is happening
5 before the student is placed in GNETS; correct?

6 A. Yes, mm-hmm.

7 Q. Who's conducting the functional behavior
8 assessment and creating this plan?

9 A. It would be the LEA that the student is
10 participating in. And if they need assistance from
11 us, we can definitely provide assistance as well.

12 Q. And then it also mentions here under this
13 last bullet point under number 2, it says there is a
14 comp -- "Has a comprehensive evaluation been completed
15 within the past 3 years?"

16 Is this a psychological evaluation?

17 A. It is, mm-hmm (affirmative).

18 Q. What is that?

19 A. So it might not just be the psychological
20 evaluation. It's all the information that's included
21 in a psychological evaluation. It might be
22 information on the hearing, vision, is that an
23 indication of some things might be -- that might be
24 going on. It's an IQ test. It's current student
25 achievement assessments. It's parent rating scales,

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1 teacher rating scales. It's anecdotal observations.
2 All of those things would be included in that
3 comprehensive evaluation.

4 Q. In your experience, I guess, both as a GNETS
5 director and also in your various roles with Richmond
6 County as a Special Education director and
7 coordinator, what happens if there is no behavior
8 intervention plan that's in place?

9 A. That's a red flag or an indication that
10 something probably needs to be put in place for that
11 student, if we're sitting at the table at that level,
12 then we need to put one in place.

13 Again, we're probably going to recommend
14 that go back to the table, collect the data, see if
15 you put interventions in place if that will address
16 the needs of that student. And we would develop, help
17 them develop a behavior intervention plan.

18 Q. Okay. And I guess, similarly, if there is
19 doesn't a functional behavioral assessment, would that
20 need to be conducted?

21 A. The preference is that you conduct the
22 functional behavior assessment before you do the
23 behavior intervention plan to make sure you're working
24 on the right behavior.

25 Q. And is it your understanding that these

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1 steps are also required under the GNETS rule as well?

2 A. Yes.

3 Q. Question three says: "Have any
4 Evidence-Base interventions been implemented with the
5 student"?

6 A. Mm-hmm (affirmative).

7 Q. What are evidence-based interventions?

8 A. So it would be those types of interventions
9 that they put in place that have evidence that showed
10 they have been successful with other students who have
11 similar behaviors.

12 And what would happen is they would bring
13 that information to the table, say, hey, we tried A,
14 B, C, and D, this didn't work. It might include
15 something like we did check-in, check-out with the
16 student to have the child check in every day with the
17 preferred person and check out with the preferred --
18 with a preferred personal, did that work for that
19 student as one of the evidence-based interventions.

20 Q. And how would you know -- so one of the
21 steps here says: Have these interventions been
22 implemented with fidelity with the student?

23 A. Mm-hmm (affirmative).

24 Q. How would you know if -- or I should say how
25 would -- yeah, how would you know if they have been

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1 implemented with fidelity?

2 A. So part of this packet requires them to
3 submit that documentation. So they might have point
4 sheets, they might have charts. They have data to
5 show, you know, the dates they implemented it and also
6 what the outcome was. So part of that would require
7 them to submit that documentation.

8 Q. There is also a bullet point here that says
9 underneath number 3: Have the interventions been
10 implemented for a significant length of time --

11 A. Mm-hmm (affirmative).

12 Q. -- to demonstrate their effectiveness or
13 lack thereof.

14 How do you determine a significant or what
15 is considered a significant length of time?

16 A. My old hat would say 20 days and so I'm
17 going to stick with 15 to 30 days of implementing an
18 intervention, coming back and seeing if it worked,
19 going back to maybe tweak it.

20 Q. And what is that based on when you say 15 to
21 20 or 15 to 30?

22 A. Calendar days. That's when they started
23 from the time they implemented the intervention, ten
24 -- some people say ten days, some people say 15 days,
25 some people say 20 days, of implementing that

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1 intervention with fidelity over a period of time,
2 which, as I just said, those, and determining whether
3 or not it's been successful, coming back to the table
4 looking at that data after a certain point to
5 determine whether or not the child is making progress
6 or failing to make process.

7 So what you don't want to do is keep
8 implementing the wrong intervention, so you want to
9 come back to the table to see if it's making an impact
10 for the student.

11 Q. Okay. But that time period is not a defined
12 period --

13 A. It's not defined.

14 Q. -- from program to program?

15 A. Mm-hmm (affirmative). Right.

16 Q. Okay. And is it your understanding that the
17 State would, like, along with these other steps, would
18 expect you-all to consider whether evidence-based
19 interventions have been implemented before admitting a
20 student to GNETS?

21 A. Yes.

22 Q. Okay. And then for question number 4 it
23 says: "What is/are the student's current placement
24 and/or circumstances?"

25 A. Mm-hmm (affirmative).

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1 Q. And the first bullet point says: "Have all
2 options on the special education continuum been
3 considered and/or tried for this student?"

4 What are the options on the special
5 education continuum being referenced here?

6 A. So we would probably be considering his
7 least restrictive environment. You've got a child
8 who's being served maybe on a consultative basis
9 referring -- and consultative means maybe 15 minutes a
10 week of direct services. It may not be appropriate to
11 refer a child who's getting 15 minutes of consultative
12 services referring them to GNETS at this point because
13 they are having a hard time.

14 What we would want to see is that the school
15 or the school system has exhausted the full continuum
16 looking at consultative services, collaborative
17 services, maybe if the child is doing co-teaching that
18 they have gone through that continuum part-day
19 services all the way up to full-day services and there
20 is nothing else left at that site to try for that
21 student. So we want to make sure they've exhausted
22 all those options.

23 Q. Okay. And where does GNETS fall on that
24 continuum exactly?

25 A. We're considered a full-day placement, and

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1 so we would fall after pull out all day long, and we
2 were right for home-based and hospitalization.

3 Q. Right. And I just wanted to clarify. In
4 terms of the student population that's served I think
5 you have used the term "severe emotional" in referring
6 to students and GNETS who are being considered for
7 GNETS.

8 A. Mm-hmm (affirmative).

9 Q. How do you define that term?

10 A. Again, go back and look at the frequency and
11 intensity and duration of the behaviors. It's not
12 anything that's quantified, if I can use that term.
13 The impact that the student -- when a child is in
14 crisis, the impact of that crisis, how long does it
15 take for the child to recover from a crisis, how much
16 staff capacity is required to bring that child out of
17 crisis.

18 So there are a lot of the different factors
19 that we would consider when we're looking at
20 identifying a child who's having significant or severe
21 emotionality.

22 Q. And I guess how does that relate
23 specifically to a disability diagnosis?

24 A. I'm not sure I understand the question fully
25 when you say how does that relate to the disability

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1 diagnosis. Because you can have a student with a
2 different diagnosis, but he's, I mean, a different
3 eligibility. I don't want to say different -- with an
4 eligibility who's also experiencing severe
5 emotionality. It's -- I'm not sure. Can you explain
6 that question?

7 Q. I think you may have answered it. I guess
8 it sounds like you're saying it's not an actual
9 disability diagnosis --

10 A. Mm-hmm (affirmative).

11 Q. -- itself.

12 A. It's --

13 MS. FLETCHER BOWDEN: What do you mean by
14 it? Yeah, I'm not sure.

15 BY MS. HAMILTON:

16 Q. Just this term, the terminology of severe
17 emotionality, severe or significant emotionality.
18 Like that -- like EBD, we had discussed earlier --

19 A. Mm-hmm (affirmative).

20 Q. -- could be a disability diagnosis. But
21 severe emotionality, that's not actually, like you
22 wouldn't have a student who has a diagnosis of severe
23 emotionality; is that correct?

24 A. We don't have that. Let me -- I really am
25 not thinking I understand your question. So there is

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1 no -- there currently is no eligibility area for
2 severe emotional and behavior disorder in the state of
3 Georgia. Is that the -- is that what you're asking
4 me? Is there eligibility area for SEBD, is that what
5 you're asking me?

6 BY MS. HAMILTON:

7 Q. I might be talking you into circles. Okay.
8 I think we'll move on from this line of questioning
9 for now, might revisit later if it comes up in another
10 context.

11 A. Okay.

12 Q. All right. So on the second page of
13 Exhibit 199 underneath the first set of bullet points
14 there is some language in italics, and it says: "Once
15 all of these questions have been answered, the team
16 needs to determine whether or not there is some areas
17 that need to be addressed prior to moving forward with
18 the most restrictive placement of GNETS."

19 And then it also says: An action plan needs
20 to be developed in regards to the other considerations
21 that might need to be addressed, or other placement
22 options within the school may need to be attempted."

23 What does that action plan look like?

24 A. It could be part of the IEP where we're
25 talking about, well, you know -- and I have actually

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1 sat in on some meetings where we've had to go back to
2 the table and talk about those things that need to be
3 put into place. It could be anything from the steps
4 needed to conduct a functional behavior assessment and
5 who would be responsible for doing that and the time
6 frame for getting that completed, and for us coming
7 back to the table to consider additional information.

8 It could be a plan that's developed on
9 different types of interventions that we discussed
10 that are evidence-based that could be implemented for
11 a student.

12 It could be something as simple when you're
13 talking about the child's current placement, or if the
14 child needs more support, and he's only getting
15 15 minutes of consultative services, you may only want
16 to look at the additional pull out services for that
17 child to address whatever areas they need and go
18 through that continuum.

19 If the child's not had a psychological
20 within three years it might be, hey, let's go and get
21 the child evaluated to see what's going on with the
22 student.

23 Q. And then this last section lists additional
24 documentation. The first says -- and I guess, one, I
25 should confirm are these things that are required by

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1 the GNETS rule?

2 A. Yes.

3 Q. Okay.

4 A. Students would have to have annual IEP
5 meetings. I don't want to say just GNETS, but for
6 students with disabilities period you would do annual
7 review. You would do progress monitoring. That's in
8 line with the IEPs. The last one is probably more
9 GNETS directed.

10 Q. Okay. And part of the reason why I'm asking
11 about GNETS is because I'm just trying to confirm if
12 these are steps that have to be taken for a student to
13 be placed.

14 A. That's correct.

15 Q. So these are things that are required by the
16 State?

17 A. Mm-hmm, mm-hmm, yes.

18 Q. Okay. And for this last bullet point under
19 that list of documents it says: Documentation
20 indicating prior services were delivered in a less
21 restrictive environment and the student's inability to
22 receive FAPE in that environment.

23 A. Mm-hmm (affirmative).

24 Q. Who reviews the sufficiency of the services
25 that had been provided in the student's home school?

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1 appropriate, but you or others on your program did not
2 feel a student should be placed in your program?

3 A. Not to my knowledge since I have been here.

4 Q. So every student who's has been referred
5 through the IEP team process has been admitted?

6 A. No. Every student who's referred is not
7 admitted.

8 Q. Okay.

9 A. Because the IEP team could determine that
10 the placement's not appropriate for the student. So
11 we have had meetings where we didn't -- the child
12 didn't come to us.

13 Q. Okay. So I should clarify. For every
14 student who's referred, the IEP team determines the
15 appropriate -- the placement is appropriate, have all
16 of those students subsequently been admitted?

17 A. Since I have been here, the answer is yes,
18 they have been.

19 Q. Would there ever be a situation where the
20 IEP team determines the placement is appropriate but
21 for various, for whatever reason, you-all determine
22 that the student should not be in your program?

23 A. No.

24 Q. Can a parent or guardian unilaterally
25 decline GNETS services?

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1 A. Well, a parent can decline any -- yes.

2 Q. Has an IEP team --

3 (Witness conferring with Ms. Bowden.)

4 THE WITNESS: I'm ready. I'm sorry.

5 THE VIDEOGRAPHER: And just because there
6 was a slight pause, I apologize --

7 (Comments off the record.)

8 BY MS. HAMILTON:

9 Q. Have there been IEP meetings where the team
10 has determined that a child should not be placed in
11 GNETS because there are less restrictive environments
12 for that student to be served?

13 A. Yes.

14 Q. How frequently -- well, I guess, roughly,
15 how frequently does that happen?

16 A. So this is going to predate when I came on
17 board because we really haven't had a lot of referral
18 meetings since I came on board. But there were quite
19 a few times I remember as a special ed director that,
20 you know, it was like let's try them in a different
21 program.

22 In Richmond County we had programs for
23 students with autism, or the child may have needed to
24 be served in a pull out day program all day long,
25 or -- so the decision would be made for that, and, so

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1 Q. Okay. So walking through each of the ones
2 that are listed here, FBA coaching, who would
3 typically be the person on your staff who would
4 provide that support?

5 A. The liaison and the coordinators and
6 director.

7 Q. And last school year approximately how many
8 times was your program requested to provide FBA
9 coaching?

10 A. None.

11 Q. None?

12 A. No.

13 Q. And prior school years, roughly how many
14 times would your GNETS program have been contacted for
15 that service?

16 A. So I can say that in the Thomson site for
17 the FBA piece, we had one -- two directors contact us
18 about doing some FBA coaching and behavior
19 intervention plan development.

20 Q. And for Richmond?

21 A. Not so much with the FBA and behavior
22 intervention plan. We had more requests for
23 professional learning through MindSet, and we did the
24 training for -- and my years are going to run
25 together. So it could be -- we did the MindSet

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1 training for all of those schools that were
2 considered required technical assistance, and behavior
3 was one of those areas, we did MindSet training for
4 all of them. That might have been ten schools that we
5 went out and provided support for. And that's FY --
6 not '21-'22, but '20-'21.

7 Q. And then for direct consultation, who from
8 your staff provides those services?

9 A. That could be the GNETS liaison or the
10 coordinator.

11 Q. Last school year how many times did you
12 receive a request for a direct consultation?

13 A. Let's see. I don't know that we received
14 any last year because schools were out so much other
15 than we did receive a couple of requests for
16 observations in the Thomson site. And I want to say
17 it wasn't more than three between the two sites.

18 Q. And did any of those students ultimately end
19 up coming to GNETS?

20 A. No, not from the year, not last year, no.

21 Q. And do you know why that would be?

22 A. The student could have moved. I know one
23 particular situation. I'm not sure if it was
24 something going on in that school system between the
25 parent and the system; and that, we just never moved

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1 A. I don't. Well, I know about the other
2 student. I think he did have the opportunity to
3 participate in a Connections class, and it didn't go
4 so well for him. But he had opportunities to.

5 Q. Okay.

6 MS. HAMILTON: Is this a good time for a
7 break?

8 MS. BOWDEN: I think so, yeah, that would be
9 a good time for a break.

10 THE VIDEOGRAPHER: Excuse me. Off the
11 record at 1 -- excuse me, 3:11 p.m.

12 (Recess 3:11 p.m. - 3:29 p.m.)

13 THE VIDEOGRAPHER: All right. We are back
14 on the record at 3:29 p.m.

15 BY MS. HAMILTON:

16 Q. Ms. Newsome, I'm going to hand the court
17 reporter what I'd like to have marked as Plaintiff's
18 Exhibit 203.

19 (Plaintiff's Exhibit P-203 marked.)

20 BY MS. HAMILTON:

21 Q. So this document Plaintiff's Exhibit 203 is
22 a document titled Sand Hills Level System that was
23 produced by the Sand Hills program in response to the
24 United States subpoena.

25 The first page of this document is stamped

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1 using the Sand Hills identifier of 000363. Are you
2 familiar with this document?

3 A. I am.

4 Q. Okay. What it it?

5 A. This is our level system, and it shows how
6 students move up through the program, and how they
7 earn rewards, and some different types of behaviors
8 that if they engage in, and then consequences of those
9 behaviors.

10 Q. How long has the program used this document?

11 A. I'm not sure. But I can say they have been
12 using it for the past two-and-a-half years at a
13 minimum.

14 Q. And since you've been there have you been
15 involved in making any changes to the level system?

16 A. We're actually in the process of tweaking it
17 now, and there should be -- if we're making, going to
18 make any changes it would be done by the end of next
19 week.

20 Q. Okay. What changes do you anticipate
21 making?

22 A. I'm not sure yet. That's what I'm going to
23 get from the admin team who reviewed all the documents
24 over the summer. They finished reviewing it last
25 week, and we have a meeting scheduled this week to

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1 make those changes.

2 Q. And when you say "admin team," who would
3 that include?

4 A. That would be the social worker, the
5 counselor, the coordinators and myself. And we got
6 input from the teachers, too. They had an opportunity
7 to look at these as well.

8 MS. JOHNSTON: Hey, I'm sorry to interrupt.
9 The volume seems to be a little softer than it
10 was earlier. I don't know if the microphone got
11 moved. But it's gotten a little bit harder to
12 hear.

13 THE VIDEOGRAPHER: Let's -- okay, let's go
14 off the record briefly. Off the record at 3:32
15 p.m.

16 (Comments off the record.)

17 THE VIDEOGRAPHER: Back on the record at
18 3:33 p.m.

19 BY MS. HAMILTON:

20 Q. Do you know if any other GNETS programs have
21 a similar level system?

22 A. I'm pretty sure that most of them use some
23 type of system that's like this, just through
24 conversation.

25 Q. But not the identical document?

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1 A. I don't think they're identical.

2 Q. Does every teacher and classroom in the Sand
3 Hills program use this level system?

4 A. Oh, absolutely. And the students can share
5 it with you verbatim, and they let you know when it's
6 not being followed.

7 Q. So can you give me an overview of how the
8 level system works?

9 A. So the level system provides the students
10 and the staff and anybody who walks in the classroom
11 with a visual of what's going on with the students.

12 We also use this to look at how much
13 progress the students are making through the level
14 system. Part of this is going to help us make a
15 determination about when the student may be ready to
16 transition out of the program and be reintegrated back
17 into their home school.

18 And so it gives us -- the students can
19 self-monitor, the support staff when they walk into
20 the classroom, they can use it to self-monitor, and it
21 also gives students a concrete way of going back and
22 they will go back and pull this form, or ask me to
23 pull the form and say: Tell me what I can do when
24 this happens; or: The teacher wasn't supposed to do
25 this and she implemented this consequences, but the

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1 sheet says that that's not what we're supposed to do.

2 So it just helps serve as a guide and a
3 visual for the students to be able to see the progress
4 that they've made.

5 Q. So the document shows that a student can
6 reach a different level if they earn a certain number
7 of points?

8 A. Mm-hmm (affirmative).

9 Q. How do you earn those points?

10 A. So the points are -- basically, if you look
11 at the back, that's looking at how they earn their --
12 there is a point sheet they get every single day they
13 take home as a means to communicate with the parents
14 as well on the type of progress that the students are
15 making or not making. And also the parents get to see
16 when the children move up the level system.

17 So they earn points and their points are
18 reflected on their point sheets that go home to the
19 parents. They can earn points, or they also earn STAR
20 bucks, so it's tied to PBIS as well. The coloring
21 that's in here is tied to our PBIS matrix as well as
22 the students go through the course of the day.

23 And then the other part is when you look at
24 the point sheets, the point sheets are divided up into
25 periods throughout the course of the day, and so you

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1 might have breakfast, first period, second period,
2 PE -- might be PE is third period, lunch and it goes
3 through the course of the day.

4 Q. And what exactly -- I know you said the
5 points are tied to the PBIS system.

6 A. Mm-hmm (affirmative).

7 Q. What are ways that students can earn points?

8 A. So we have a STAR matrix. We are actually
9 updating that for FY '23 as well. The students can
10 earn their STAR bucks by implementing the appropriate
11 behaviors that are listed on the STAR matrix. And so
12 the STAR matrixes are all throughout the building in
13 both sites. They list behaviors that are expected in
14 the classroom, in the media center, in the gym, in the
15 hallways and on the bus.

16 And anybody can award STAR bucks to a
17 student if we see them demonstrating appropriate
18 behaviors in those areas.

19 Q. So also just looking at this first page it
20 appears that a student has to maintain a certain
21 number of points for a certain number of consecutive
22 days to move up to the next level; is that correct?

23 A. That's correct.

24 Q. Okay. So taking a student at Level 1, it
25 says five consecutive days of 70 and then they are

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1 moved to Level 2?

2 A. Mm-hmm.

3 Q. Okay. Do all students start at Level 1 when
4 they start in the GNETS program?

5 A. Huh-uh. They come in at Level 2.

6 Q. Okay. And does that mean they start at
7 80 points?

8 A. Mm-hmm (affirmative).

9 Q. And then if they're starting there, in order
10 to -- I'm just walking through and making sure I
11 understand.

12 A. That's fine.

13 Q. In order to reach Level 3, they have to have
14 ten consecutive days of 80 points; is that correct?

15 A. That's correct.

16 Q. Okay. So if they have a day where they
17 engage in behaviors that don't meet the requirements,
18 does that time period start over for them working
19 toward the Level 3?

20 A. It would depend on the action. So you might
21 have to go back to what's on the front page to
22 determine whether or not a child needs to drop a
23 level, they might have to go back to the beginning, or
24 they might have to go back two to three days for the
25 types of behaviors that they engaged in that might not

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1 be appropriate.

2 Q. What would be an example of the reason a
3 student would have to drop an entire level?

4 A. Physical aggression.

5 Q. And then they'd have to have a certain
6 number of consecutive days at a certain level of
7 points to get back to their prior level?

8 A. Correct.

9 Q. Do you ever have students who get stalled at
10 one level? So let's say if you're at a Level 2, it
11 says you have to have ten consecutive days of 80, and
12 they get to day eight, and then they engage in a
13 behavior that forces them to start over, like do you
14 have students who go through that cycle repeatedly?

15 A. Yes. And we have students who appeal that
16 sometimes, so yes.

17 Q. And when you say students appeal, what does
18 that mean?

19 A. So let's use physical aggression as an
20 example. So we have a student who might drop a level
21 because they engaged in a fight with a staff -- with a
22 student. But the student might be like, well, you
23 dropped me a level but I didn't really start it.

24 And sometimes they'll come back and appeal
25 it, and sometimes they win their appeal, and you know

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1 what, you really didn't start it, you might have been
2 responding to something that was beyond your control
3 that caused you to act out that way, and sometimes
4 those appeals are granted.

5 So they can come back and appeal their level
6 drop if they need to.

7 Q. On the second page it says Level 1 --
8 actually, let me take a step back.

9 On the second page for Level 2 -- and you
10 said all students start at Level 2; is that correct?

11 A. Mm-hmm (affirmative), when they come in the
12 program.

13 Q. So when a student comes into the program, in
14 the cafeteria they all have assigned seating?

15 A. Since --

16 Q. Assuming they use the cafeteria?

17 A. Well, since I have been there we haven't
18 used the cafeteria. But for next year they'll --
19 their seating will be they'll sit with their teacher
20 when they go into the cafeteria starting out.

21 Q. Okay. And on the chart it says that that's
22 usually what is required for a level -- students at
23 Level 1?

24 A. Mm-hmm (affirmative).

25 Q. So the Level 2 students would also have the

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1 same requirement as Level 1 students to sit with the
2 teacher?

3 A. Well, starting out because we haven't been
4 in the cafeteria for a number of -- we're going on
5 year two.

6 Q. Okay. And then for transitions it says
7 Level 1 and Level 2 must be escorted at all times and
8 in sight of an adult; is that right?

9 A. Actually, all students are. That's a change
10 that we're going to make that all students be in the
11 line of staff at all times.

12 Q. So regardless of your level you have to be
13 escorted by a staff member?

14 A. Mm-hmm (affirmative).

15 Q. In the bottom -- in this chart, this says --
16 moving up in the last row -- it says "Consider Outside
17 Placement"?

18 A. Mm-hmm (affirmative).

19 Q. What does that mean, and how exactly does
20 that work?

21 A. That's almost like a celebration. So when
22 students get to Level 4, and they reach the 20th day
23 we automatically schedule a meeting to consider
24 transitioning that student back. Because it takes
25 them some work to get to Level 4 day 20. And so they

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1 have gotten far, we really need to consider placing
2 them back in their least restrictive environment.

3 Q. So is reaching Level 4, day 20 a
4 consideration for a student being transitioned back?

5 A. Yes.

6 Q. Last school year how many students did you
7 have who reached that level?

8 A. Let me see. Thomson, four -- I'm going to
9 say we got five in Thomson and four in Richmond.

10 Q. And how many of those students were
11 considered for being transitioned out of the GNETS
12 program?

13 A. All of them. Mm-hmm (affirmative). We had
14 meetings on all of them.

15 Q. Were any actually -- so beyond the meetings,
16 did any actually transition last year?

17 A. All but two transitioned.

18 Q. Okay. How many for each program?

19 A. Let me see. Did I say five in Thomson?

20 Q. Yes.

21 A. All five of them in Thomson transitioned.

22 And then actually we had more than that in
23 Richmond. Might have had -- might have had five in
24 Richmond because two did not. So three in Richmond
25 transitioned, started the transition process, and two

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1 the plan for Richmond County.

2 Q. Okay. Was this documentation ever shared
3 with the State of Georgia?

4 A. No, huh-uh.

5 Q. Okay. So to the extent that you-all had a
6 department improvement plan from the Richmond County
7 district what concerns were identified?

8 A. Concerns by?

9 Q. Well, let me take a step back. What is a
10 department improvement plan?

11 A. So each year the different schools and
12 departments or programs turn in a plan that we're
13 going to follow for the school year; these are the
14 areas that we identified as areas of need, and these
15 are the areas that we're going to work on.

16 And so that's what this one was. And then
17 we come back midyear and do a midyear check, and then
18 at the end of the year we do an end of the year check.

19 Q. Okay. So is this similar almost to like the
20 State DOE strategic plan for your creating your, like,
21 your own assessment of your program's performance, or
22 is this identifying deficiencies?

23 A. Both.

24 Q. Okay.

25 A. Because we do a needs assessment, what areas

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1 do we need to work on he had, and that's what we do in
2 the plan. But it's also so we're not replicating work
3 doing what's required in our strategic plan, and also
4 working on those things that's going to improve our
5 program. So I want to say that they are aligned.
6 That was the whole purpose of doing it that way, so
7 they would be aligned.

8 Q. Were there any deficiencies with the program
9 that were identified through this process?

10 A. Let's see. This one is an older one. So
11 let's see.

12 Q. During this time period.

13 A. I'm looking through it. One of the things
14 that we had to do for the State was rank our programs
15 or rank our areas in need.

16 Goal number four was one of those areas that
17 I identified earlier that we really wanted to bring
18 our community stakeholders back in. Because of COVID
19 we lost some of them. So that was one.

20 And then instructional academic support was
21 identified as number two. And that one was identified
22 as an area of need because we want to make sure that
23 we were providing support to all of our teachers who
24 are coming back in from, or coming in from an
25 alternative teaching track.